



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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NEW DELHI, FRIDAY, JULY 31 / SRAVANA 9, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced in Lok Sabha on 31st July, 2009 :—

BILL No. 40 OF 2009

*A Bill to provide for payment of pension and provision of other rehabilitation facilities to old persons.*

BE it enacted by Parliament in the Sixtieth Year of Republic of India as follows:—

1. (1) This Act may be called the Old Age Pension and Rehabilitation Act, 2009.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the State Government and in all other cases, the Central Government; and

(b) "old age person" means any person who has attained the age of sixty years or more and who has no independent and adequate means of livelihood.

Short title,  
extent and  
commence-  
ment.

Definitions.

Pension to  
old age  
persons.

**3. (1) Every old age person shall, on an application made in the prescribed form, be paid rupees five hundred per mensem as pension, by the appropriate Government.**

**(2) The Pension payable shall be subject to alteration on the basis of the prevailing cost of living index as may be determined by the Central Government.**

**(3) The pension referred to in sub-section (1) shall be disbursed to old persons, by the appropriate Government through Government Treasury or any branch of nationalized bank as may be prescribed by the Central Government.**

Facilities for  
infirm  
persons

**4. The infirm from amongst the old persons shall be accommodated in "Old Persons Home" to be set up in every district by the appropriate Government.**

Facilities to  
old persons.

**5. It shall be the responsibility of appropriate Government in their respective jurisdictions to provide to old persons,—**

**(a) free medical aid in Government hospitals and other nearest dispensaries recognized by the Government; and**

**(b) residential accommodation free of cost.**

Setting up of  
Old Persons  
Welfare Fund.

**6. (1) The Central Government shall set up a Fund to be known as the "Old Persons Welfare Fund" to carry out the purposes of this Act.**

**(2) The Fund shall consist of the sums paid into it by the Central Government after due appropriation made by Parliament by law in this behalf and all such moneys received by way of grants or donations from any individual, organisation or agency including international agency.**

Expenses to  
be met out of  
the Fund.

**7. The expenses incurred on providing the old persons with pension and other rehabilitation facilities provided under this Act shall be met out of the Fund constituted under section 6.**

Power to  
make rules

**8. (1) The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.**

**(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.**

#### STATEMENT OF OBJECTS AND REASONS

It is customary in our country for every Indian to look-after his aged parents but now the economic conditions are such that it is not possible for the low income persons to support them. Today we find millions of old persons who are unable to take care of themselves or who do not have sufficient means or any support to lead a happy life. These people, who are without any source of income, live in hunger and are left uncared for. The majority of the aged are still left to fend for themselves. Our country, being a welfare State, should provide social security to such old and infirm persons.

The Bill seeks to give impetus to the new social order and seeks to provide pension, medical and residential facilities to old persons.

NEW DELHI;  
*June 18, 2009.*

ADHIR RANJAN CHOWDHURY

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#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the payment of pension at the rate of rupees five hundred per month to such old persons who have attained the age of sixty years or more and who have no independent and adequate means of livelihood. Clause 4 provides that infirm persons from amongst the old persons shall be accommodated in old persons homes to be set up in every district. Clause 5 provides for medical aid and residential facilities free of cost to old persons. Clause 6 provides for the constitution of Old Persons Welfare Fund by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated fund of India.

It cannot be estimated at this stage as to how many old persons will need assistance from the Central Government. However, an annual recurring expenditure of about rupees one thousand crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of about rupees ten crores will also be involved at the initial stage.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 47 OF 2009

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2009.
2. After article 21A of the Constitution, the following article shall be inserted, namely:—

**"21B. (1) All citizens shall have the right to social security.**

(2) Notwithstanding anything in this Constitution, the provision of this article shall not be suspended.

(3) Parliament may by law prescribe within a period of one year from the enactment of the Constitution (Amendment) Act, 2009, the manner in which social security shall be secured to the citizens.

Short title.

Insertion of  
new article  
21B.

Right to Social  
security.

*Explanation:*— In this article, in clause (1), "social security" means—

(i) provision of employment or unemployment allowance to an unemployed person from the age of thirty years till he gets gainful employment or attains the age of sixty years, whichever is earlier;

(ii) old age pension and necessary assistance for a decent livelihood to such persons who have attained the age of sixty years and have no other source of income;

(iii) disability allowance and other assistance to all disabled persons who have no other source of income; and

(iv) compulsory health insurance for all old aged and disabled persons.

3. Article 41 of the Constitution shall be omitted.

Omission of  
article 41.

## STATEMENT OF OBJECTS AND REASONS

Even more than sixty years after independence, the State has not secured to its citizens the rights envisaged under article 41 of the Constitution. There have been cases of death due to starvation, malnutrition, inadequate health care facilities, etc. in many parts of country. A large section of population is lacking basic facilities and lives below subsistence level. Social insecurities such as loss of employment, disability, old age and ill-health, etc. are to be addressed properly. Social security needs to be viewed as a basic/fundamental right rather than as a charity oriented intervention.

The term social security should consist of all types of measures, preventive, promotional and protective as the case may be. The term encompasses social insurance, social assistance, social protection, social safety net, etc.

It should be the duty of the State to provide social security to all citizens of the country. The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;  
June 18, 2009

BASUDEBACHARIA

## FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new article 21B in the Constitution, which makes the State responsible for providing social security to all the citizens. Thus, it would become the duty of the State to provide social security according to the needs of diverse sections of population.

The total overall financial burden due to implementation of obligations under the proposed provision would be shared between Central and State Governments in the ratio of seventy five and twenty five per cent, respectively.

At this stage, it is not possible to estimate the total financial implication in case this Bill is enacted and implemented. However, if the Bill is enacted and implemented approximate recurring expenditure of rupees five thousand crore from the Consolidated Fund of India per annum is likely to be involved.

A non-recurring expenditure to the tune of rupees five thousand crore is also likely to be involved from the Consolidated Fund of India.

## BILL NO. 44 OF 2009

*A Bill further to amend the Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order (Amendment) Act, 2009. Short title.

2. In the Schedule to the Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959, entries 5 and 6 shall be renumbered as entries 6 and 7 respectively, and before entry 6 as so renumbered, the entry “5. Ranchi Tribals” shall be inserted. Amendment of the Schedule.

C.O. 58

## STATEMENT OF OBJECTS AND REASONS

During pre and post independence period a large number of Ranchi tribals from Chotanagpur, Bihar (now Jharkhand) were settled by the Administration in North Andaman (Ramanagar and Kalighal), Middle Andaman (Tugapur) and Baratang Island. Their services have been utilized mainly by the Forest Department and also by other Departments in various development activities undertaken in the Islands. These tribals have now settled in the Island permanently. Hence, they are not migratory labourers. However, they are not accorded the status of tribals in the Andamans although their counterparts have been classified as tribals in the State of Jharkhand. Ranchi tribals settled in Andaman & Nicobar Islands have never been given any kind of preferential treatment in education, shelter, Government jobs, etc. by the Union territory administration. As a result, these people are still socially, educationally and economically backward in comparison to the original inhabitants of the Island and are leading a miserable life even after decades of planned development.

Therefore, conferring status of Scheduled Tribes is necessary to secure justice for the Ranchi tribals in view of their economic, educational and social backwardness. It is proposed in the Bill that the Ranchi Tribals be included in the list of Scheduled Tribes of Andaman and Nicobar Islands.

The Bill seeks to achieve the above objective.

NEW DELHI;  
June 18, 2009

BASUDEB ACHARIA

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for inclusion of the tribe '*Ranchi Tribals*' in the list of scheduled tribes in respect of the Union territory of Andaman and Nicobar Islands. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.



## BILL NO. 48 OF 2009

*A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.*

BE it enacted by Parliament in the Sixtieth Year of Republic of India as follows:—

1. (1) This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2009. Short title and  
commence-  
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

C.O. 19

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950,—

(i) in Part XVIII.—Uttar Pradesh the existing entries 56 to 66 shall be renumbered as entries 57 to 67 and before entry 57 as so renumbered, the following entry shall be inserted, namely:—

"56. Namasudra".

(ii) in Part XXIV.—Uttarakhand, the existing entries 56 to 65 shall be renumbered as entries 57 to 66 and before entry 57 as so renumbered, the following entry shall be inserted, namely:—

"56. Namasudra".

Amendment  
of the  
Schedule.

## STATEMENT OF OBJECTS AND REASONS

After partition, a large number of people who were uprooted from erstwhile East Pakistan and now, Bangladesh were settled in Chhattisgarh, Madhya Pradesh, West Bengal, Orissa, Assam, Tripura and Uttar Pradesh. They mainly belong to Namasudras caste. This caste was recognized as a Scheduled Caste and was included in the lists of Scheduled Castes for the States of Assam, Orissa, West Bengal, Tripura and in some other States. But the community was not included in the lists of Scheduled Castes for the States of Uttar Pradesh and Uttarakhand. The people of this community residing in the States of Uttar Pradesh and Uttarakhand are not entitled to avail the benefits extended to other Scheduled Castes.

Therefore, to give them legal rights and justice and in view of their economic, educational and social backwardness, it is proposed in the Bill that the Namasudra Community be included in the lists of Scheduled Castes for the States of Uttar Pradesh and Uttarakhand.

The Bill seeks to achieve the above objective.

NEW DELHI;

BASUDEB ACHARIA

June 18, 2009

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for inclusion of the caste 'Namasudra' in the list of scheduled castes in respect of the States of Uttar Pradesh and Uttarakhand. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

## BILL NO. 51 OF 2009

*A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2009. Short title.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XVI.— Amendment of the Schedule.  
West Bengal, entries 11 to 40 shall be renumbered as entries 12 to 41 and before entry 12 as so renumbered, the entry “11. Deswali Majhi” shall be inserted.

## STATEMENT OF OBJECTS AND REASONS

Prior to 1956, Deswali Majhi community was recognized as Scheduled Tribe in the State of West Bengal and persons belonging to this tribe were provided with all the facilities which were available to persons belonging to Scheduled Tribes, but subsequently this was withdrawn without assigning any reason. The total population of this community is about three lakhs and these tribals are mainly inhabited in the districts of Purulia, Bankura and Paschim Midnapore districts of the State of West Bengal. The Cultural Research Institute of West Bengal have studied the social, economic, educational and cultural status of Deswali Majhi community and have submitted a report to the Government of West Bengal recommending the inclusion of this community in the list of Scheduled Tribes of West Bengal. But till date, this community has not been included in the list of Scheduled Tribes of West Bengal.

Therefore, to give them justice and in view of their economic, educational and social backwardness, it is proposed in the Bill that Deswali Majhi tribe be included in the list of Scheduled Tribes for West Bengal.

The Bill seeks to achieve the above objective.

NEW DELHI;  
June 18, 2009

BASUDEBACHARIA

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for inclusion of the tribe '*Deswali Majhi*' in the list of scheduled tribes in respect of the State of West Bengal. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

## BILL NO. 36 OF 2009

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2009. Short title.
2. Article 130 of the Constitution shall be renumbered as clause (1) thereof and after Amendment  
clause (1) as so renumbered, the following clause shall be added, namely:— of article 130.

**"(2) There shall be established a permanent bench of the Supreme Court at Nagpur, consisting of such number of judges of the Supreme Court as the Chief Justice of India may from time to time determine, but not less than nine in number, to exercise the powers and jurisdiction for the time being vested in the Supreme Court in respect of cases arising in the States of Andhra Pradesh, Chhattisgarh, Gujarat, Karnataka, Kerala, Maharashtra, Madhya Pradesh and Tamil Nadu and Union territories of Andaman and Nicobar Islands and Puducherry."**

## STATEMENT OF OBJECTS AND REASONS

Article 124 of the Constitution provides for the establishment and constitution of the Supreme Court. The seat of the Supreme Court is in New Delhi and there is no bench of the court in any other part of the country. Litigants from all parts of the country have to come to Delhi in connection with their cases in the Supreme Court.

Delhi is the capital city located in North India. Litigants approaching the Supreme Court from the States of Maharashtra, Madhya Pradesh, Chhattisgarh, Gujarat, Karnataka, Andhra Pradesh, Tamil Nadu, Kerala, Puducherry and Andaman and Nicobar Islands have to undergo a lot of hardships in terms of time and money due to long distance and a very high cost of travel. Moreover, there has been a constant demand for setting up of a division bench of the Supreme Court in the central or southern part of the country.

Keeping in view the hardships being faced by the litigants coming from the Central and the Southern India to Delhi and the demand of people of these regions, it will be appropriate to set up a bench of the Supreme Court at Nagpur, which is in the central part of India. Nagpur is well connected with all other parts of the country through road, rail and air. As its location is ideally suited for the people of both central and southern India, the people of these regions would be able to take advantage of it. Further, establishment of a permanent bench of the Supreme Court at Nagpur would not only save the time and money of the litigants but also help in speedy disposal of the cases. Therefore, there is an urgent need to set up a permanent bench of the Supreme Court at Nagpur so that people in the central and southern States shall have easy access to justice in a convenient manner. The Bill accordingly seeks to amend the Constitution with a view to establish a permanent bench of the Supreme Court at Nagpur.

Hence this Bill.

NEW DELHI;  
June 22, 2009

HANSRAJ GANGARAMJI AHIR

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of a permanent bench of the Supreme Court at Nagpur. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one crore per annum.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

## BILL NO. 42 OF 2009

*A Bill to provide for the payment of subsistence allowance to farmers and agricultural labourers in order to provide social security to them and their family members and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Subsistence Allowance to Farmers and Agricultural Labourers Act, 2009.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "agricultural labourer" means any person who works on land belonging to others for wages in cash or kind having a total family income of not more than rupees three thousand per month from all sources;

(b) "applicant" means a farmer or agricultural labourer who has applied for the subsistence allowance;

(c) "appropriate Government" means the Central Government or the State Government, as the case may be;

(d) "family" means the members of a family related to each other by blood, marriage or adoption and normally residing together and sharing meals or holding a common ration card;

(e) "farmer" means any person who owns agricultural land not exceeding four hectares and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system having a total family income of not more than rupees five thousand per month from all sources; and

(f) "prescribed" means prescribed by rules made under this Act.

**3. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall pay subsistence allowance at the rate of:—**

**(a) rupees three thousand per month to every farmer, and**

**(b) rupees one thousand and five hundred per month to every agricultural labourer.**

Subsistence allowance to the farmers and the agricultural labourers.

Sub-Divisional Officer to work as the nodal officer.

**4. (1)** The appropriate Government shall appoint an officer not below the rank of Sub-Divisional Officer as the nodal officer for the purpose of identification of beneficiaries under the provisions of this Act.

**(2)** The nodal officer shall invite applications in such form, as may be prescribed, for availing of subsistence allowance under the provisions of this Act from amongst farmers and agricultural labourers who are eligible for payment of subsistence allowance under the provisions of this Act and who have been working as such farmer or agricultural labourer for a period of ten years before the coming into force of this Act.

Block Development Officer to receive applications.

**5.** The appropriate Government shall designate an officer not below the rank of Block Development Officer for the purpose of receiving applications from farmers and agricultural labourers for payment of subsistence allowance under this Act.

Application for subsistence allowance.

**6.** Any person who intends to apply for subsistence allowance under this Act shall apply to the Block Development Officer for registration of his name in such form as may be prescribed under sub-section (2) of section 4.

Block Development Officer to collect and forward the applications.

**7. (1)** The Block Development Officer shall collect all the applications and forward them to the Sub-Divisional Officer.

**(2)** The Sub-Divisional Officer shall, after holding such inquiry as he may deem necessary, but, in no case later than thirty days from the date of receipt of applications, either admit or reject the application:

Provided that in case no decision is made on an application within thirty days, the applicant shall be deemed to be eligible for payment of subsistence allowance under this Act.

**(3)** The Sub-Divisional Officer shall record, in writing, the reasons for rejection of an application, if any, under the Act.

**(4)** Any applicant aggrieved by the decision of the Sub-Divisional Officer may prefer an appeal to the District Magistrate in such form and manner as may be prescribed.

**(5)** The procedure for disposing of an appeal shall be such as may be prescribed:

Provided that before disposing of an appeal, the applicant shall be given a reasonable opportunity of being heard.

**(6)** It shall be the duty of the Sub-Divisional Officer to maintain, review and publish a *tehsilwise* list of the beneficiaries under the Act once in every six months.



8. The mode of payment of subsistence allowance to the farmers and agricultural labourers and their family members, in case of death of a farmer or agricultural labourer, shall be such as may be prescribed by the Central Government.

Mode of Payment of subsistence allowance to family members of agricultural labourers or farmers.

9. Every State Government and Union territory administration shall set up a special cell at the district and the State level for the purposes of monitoring the implementation of the provisions of the Act.

Every State Government and Union territory administration to set up a special cell.

10. (1) The Central Government shall set up a Fund to be known as the Farmers and Agricultural Labourers Welfare Fund.

Setting up of a Farmers and Agricultural Labourers Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) There shall also be credited to the Fund such other sums as may be received by way of donation, contribution or assistance.

(4) The Fund shall be utilized for carrying out the purposes of this Act.

11. The Central Government shall, after due appropriation made by Parliament in this behalf by law, provide adequate funds for carrying out the purposes of this Act.

Central Government to provide adequate funds.

12. (1) Whoever contravenes the provisions of this Act shall, on conviction, be liable to a fine which may extend to one thousand rupees.

Penalty.

(2) In case the convicted person is an employee of the Central/State Government/ Union territory administration, the penalty provided under sub-section (1) shall be in addition to the departmental disciplinary action initiated against him.

13. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in the force but except as above, the provisions and the rules made under this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act to have overriding effect.

14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

Agriculture is a prominent sector of Indian economy. About two-third population of the country is dependent on agriculture for their livelihood. Recent times have witnessed phenomenal growth in other sectors due to heavy public-private investments. Lack of investment in agriculture has resulted in de-accelerated growth and increase in input-cost of agricultural produce. To overcome the resource constraints, agriculturalists fall back upon loans secured at high rates of interests from banks and financial institutions. Failed crops, ineffective pesticides, poor quality of seeds and high debts have led to multiple incidents of suicides by farmers across the country.

A healthy agricultural sector is essential not only for food security of the nation but also to keep inflation and prices of essential commodities under check. An unprofitable and debt-ridden agricultural sector would not be able to provide for even the basic needs of farmers, agricultural labourers and their dependants. Therefore, there is an urgent need to address the basic needs of the farmers and agricultural labourers.

The Central and State Governments are under constitutional obligation to ensure the survival of the farmers and to provide financial resources for agriculture in order to prevent any further loss of lives.

In view of the above, the farmers and agricultural labourers need the support of the State so that their economic handicap do not come in the way of their survival and social development.

Hence the Bill.

NEW DELHI;  
June 22, 2009

HANSRAJ GANGARAMJI AHIR

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of subsistence allowance to the farmers and the agricultural labourers. Clause 9 provides for setting up of special cells at the District and State level for the purposes of monitoring the implementation of the provisions of the Act. Clause 10 provides for setting up of a Farmers and Agricultural Labourers Welfare Fund. Clause 11 provides for provision of funds by the Central Government for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten thousand crores per annum.

A non-recurring expenditure of rupees one hundred crores is also likely to be involved.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

## BILL NO. 43 OF 2009

*A Bill to provide for the establishment of a Council at the Centre and in each State and Union Territory for the protection of environment and ecology.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Council for Environment Protection Act, 2009.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "acts harmful to the environment" shall mean and include all acts and things done by individuals, institutes, Government bodies, and others that pollute or are likely to pollute the environment or cause changes in ecology, flora and fauna of a region to an extent that harms mankind or materially changes the existing environment or leads to the extinction of any species of plants or animals; and

(b) "environment" means and includes water, both surface and underground, air and land including the surface of the earth, subsoil and the forests (the flora and the fauna) and the inter-relationship which exists amongst and between water, air and land, and human beings, other living creatures and plants.

Establishment  
of Councils  
for  
Environment  
Protection.

**3. (1) The Central Government shall establish a Central Council for Environment Protection (hereinafter referred to as the Central Council), consisting of five members who are experts in the field of environmental protection, ecology preservation, geology, ornithology, zoology and botany.**

**(2) The Central Council shall have its office at New Delhi.**

**(3) The Central Government shall establish a State Council for Environment Protection (hereinafter referred to as the State Council), consisting of three members who are experts in the field of environment or in such field as may be determined by the Central Government in every State and Union Territory.**

**(4) The State Councils shall have their offices at the respective capital of each State and Union Territory.**

**(5) The Councils shall function under the control of Union Ministry of Environment and Forests.**

Powers and  
functions of  
Central  
Council.

**4. The Central Council shall have the following powers and functions—**

(a) to study, enquire and conduct research into problems of environmental protection or preservation of ecology involving subjects under the Central Government or involving more than one State or Union Territory;

(b) to enquire into any matter relating to environment or ecology which any State Council deems urgent or extensive enough to necessitate deeper enquiry/study;

(c) to study and enquire into problems of pollution of oceans within our territorial waters;

(d) to recommend to the Central Government or State Government concerned the steps to be taken for the environmental/ecological protection;

(e) to aid and advise the State Councils in the matters of research, environment studies and connected matters;

(f) to receive Reports of State Councils and to decide upon further course of action; and

(g) to issue orders of injunction *suo motu* or at the request of any State Council, against any person, institute or Government body in respect of acts deemed to be harmful to the environment or ecology and the order issued shall be final unless an order vacating the injunction is obtained within six months from any High Court having jurisdiction over the subject-matter or area or a major portion thereof.

Powers and  
functions of  
State Councils.

**5. Every State Council shall have the following powers and functions—**

(a) to study, enquire into and do research upon the problems of environment and ecology in the respective State/Union Territory;

(b) to study and do research upon causes and effects of natural calamities;

(c) to study and do research into pollution of water, air, land (sand), agriculture, marine and dairy produce or any such matter which is likely to harm human health;

(d) to recommend to the respective Government of the State and Union Territory the steps to be taken for environmental protection and preservation of ecology; and

(e) to issue orders of injunction against any person, institute or Government body in respect of acts deemed harmful to the environment or ecology and the order of

injunction issued by such State Council shall take effect immediately and shall become final and binding on the expiry of six months from the date of order unless the person, institute or Government body, against whom the order is passed, obtains an order of a competent Court, not below the rank of District Judge, vacating the injunction within that period:

Provided that the State Council and/or the aggrieved party may file appeal against the order of the District Judge before the High Court.

6. The members of Central and State Councils shall be appointed for a period of five years and on expiry of such period any member thereof may be re-appointed for such further period or periods, not exceeding two years at a time, as the Central Government deems fit.

Tenure of Councils.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any enactment other than this Act.

Overriding effect of the Act.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

Urgent steps to protect environment and maintain ecological balance have become essential in view of increasing environmental pollution.

The Bill seeks to provide for the establishment of Councils at the Centre and in every State and Union Territory for study, enquiry, research and making recommendations on matters relating to protection of environment and preservation of ecology.

Hence this Bill.

NEW DELHI;  
June 22, 2009

K.C. SINGH 'BABA'

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Council for Environment Protection at the Centre and in every State and Union Territory. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India.

It will involve a minimum annual expenditure of about rupees fifty lakhs by way of salaries, etc. for members of the Councils and other staff.

It will also involve a non-recurring expenditure of rupees ten crores from the Consolidated Fund of India for office infrastructure at the Centre and in every State/Union Territory.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 50 OF 2009

*A Bill to provide for the setting up of a Council to be called the Central Himalayan States Development Council to formulate development plans and schemes and also to monitor their implementation for the balanced and all-round development of the hilly States comprising the Central Himalayan region and for matters connected therewith.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This act may be called the Central Himalayan States Development Council Act, 2009.

Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint:

Provided that such date shall not be later than six months from the date of assent of this Act.

## Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Council" means the Central Himalayan States Development Council set up under section 3;

(b) "Himalayan States" means the States of Himachal Pradesh, Jammu and Kashmir and Uttarakhand; and

(c) "prescribed" means prescribed by rules made under this Act.

## Setting up of the Central Himalayan States Development Council.

3. (1) **There shall be set up a Council to be called the Central Himalayan States Development Council which shall consist of the following members, namely:—**

(i) the Chief Minister of each of the Himalayan States:

Provided that if there is no Council of Ministers in any Himalayan State, the President of India may nominate one person to represent such State in the Council for such period as there is no Council of Ministers in such State;

(ii) members of the House of the People and Council of States representing the Himalayan States;

**(iii) five persons having special knowledge of and experience in social and economic planning preferably in the hilly areas to be nominated by the President; and**

(iv) the Union Minister holding charge of the Ministry of Planning.

(2) The Chairman of the Council shall be nominated by the President from amongst the Chief Ministers of the Himalayan States in such manner as may be prescribed;

(3) The Chairman of the Council shall be nominated for a period of two years:

Provided that if there is no Council of Ministers in any Himalayan State thereby causing vacancy in the Office of the Chairman, the President of India may nominate Chief Minister of any other Himalayan State as Chairman of the Council for such period as there is no Council of Ministers in such State.

## Functions of the Council.

4. (1) The Council shall function as a Planning body for the balanced and all-round social and economic development of the Himalayan States.

(2) It shall be the responsibility of the Council to formulate development plans and schemes for each of the Himalayan States and also in which Himalayan States have common interest:

Provided that the Council may, if it considers necessary, having regard to the socio-economic backwardness of the State of Uttarakhand or any area in the State, formulate specific and time bound projects and schemes for the whole State or any area in that State and may review implementation of such projects and schemes.

(3) For securing the balanced development of the Himalayan States, the Council shall forward proposals for:—

(i) accelerating the industrial growth in one or more Himalayan States;

(ii) inter-linking various places by railways or roads including remote villages and hilly areas;

(iii) providing communication and telecommunication facilities;

(iv) providing electricity, drinking water and rural housing;

(v) health services including family welfare schemes;

(vi) providing educational facilities and gainful employment; and

(vii) taking preventive measures to minimize the effect of natural calamities particularly the landslides and cloudbursts,

to the Central Government and the Government of the Himalayan State concerned for their consideration.



(4) For the purposes of clause (i) of sub-section (3), the Council may recommend to the Central Government such concessions, including waiver of duty of excise, as it deems necessary, for a specific period for industrial units in any Himalayan State.

(5) The Council shall recommend to the Central Government and the Government of each of the Himalayan States as to the action to be taken on any matter referred to in sub-sections (2) and (3).

5. It shall be the duty of the Central Government and the Government of each of the Himalayan States to give due consideration to the advice of the Council and apprise the Council of its views and decisions on such advice.

Central and State Government to consider the advice of the Council.  
Meeting of the Council.

**6. (1) The Council shall meet at least thrice in each year.**

(2) The proceedings of every meeting of the Council shall be forwarded to the Central Government and also to Government of each of the Himalayan States.

**7. (1) The Council shall have a secretarial staff consisting of a Secretary, a Planning Adviser and a Financial Adviser and such other officers and employees as the Central Government may, by order, determine.**

Officers and staff of the Council.

(2) The Secretarial staff of the Council shall function under the direction, supervision and control of the Chairman of the Council.

(3) The office of the Council shall be located at such place as may be determined by the Council.

(4) The administrative expenses of the said office, including the salaries and allowances payable to, or in respect of, members of the secretarial staff of the Council, shall be borne by the Central Government out of the moneys provided by Parliament for the purpose.

**8. The Central Government shall provide, from time to time, after due appropriation made by Parliament by law, adequate funds to the Council for the implementation of the development plans and schemes formulated by the Council.**

Provision of funds to the Council.

**9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.**

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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### STATEMENT OF OBJECTS AND REASONS

The development process in the Central Himalayan States of Uttarakhand, Himachal Pradesh and Jammu and Kashmir has been very tardy due to their geographical location and social background. The people living in these States do not have adequate educational facilities and consequently, employment opportunities. The people also have to travel to other States for medical treatment as there are no well equipped hospitals and qualified doctors. There has also been negligible growth of industries. There is an urgent need for setting up of environment friendly industries in these States for the development of the States as a whole and to enable the local youth to get employment opportunities. For setting up of new industries, special concessions including waiver of excise duty for a specific period should be given to the industries in the States by the Central Government.

The problems of these Himalayan States are interlinked. All these States experience, almost every year, recurrent floods, landslides, cloudburst, etc. thereby causing huge loss of life and property. Basic infrastructure facilities like "Pucca Roads", electricity, communication, schools, drinking water, bridges connecting remote villages with Pucca Roads, etc. have still to be made available to all the people of these regions even after sixty years of independence. As these regions share common problems, the solutions to their problems are also common. Many of the developmental works in these States can be carried out only by involvement of all the three States. The State of Uttarakhand, being recently created, needs special attention for its overall development.

It is, therefore, proposed to establish a Central Himalayan States Development Council to look into and accelerate the process of development in these States, particularly in Uttarakhand. A similar Council has been functioning very successfully for the North-Eastern States. The establishment of such a Council for the States of Uttarakhand, Himachal Pradesh and Jammu and Kashmir would not only help in the speedier all-round development of the Himalayan States thereby taking the country high on the growth map but would also act as a coordinating agency amongst the people of the States of the Himalayan region.

Hence this Bill.

NEW DELHI;  
June 22, 2009

K. C. SINGH 'BABA'

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### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of the Central Himalayan States Development Council consisting of persons having special knowledge of and experience in social and economic planning in the hilly areas. Clause 6 provides that the Council shall meet at least thrice each year. Clause 7 provides that the Central Government shall bear the administrative expenditure including salaries and allowances of members, officers and staff of the council. Clause 8 provides that the Central Government shall provide adequate funds to the Council for implementing the development plans and schemes by way of grants, after due appropriation made by Parliament. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees four hundred crore is likely to be involved as a recurring expenditure per annum.

A sum of rupees four hundred crore is also likely to be involved as non-recurring expenditure.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 46 OF 2009

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2009.

Short title.

2. In article 51A of the Constitution, after clause (k), the following clause shall be added, namely:—

Amendment of article 51A.

“(l) to cast vote at elections to the House of the People, Legislative Assemblies of States and local bodies.”.

## STATEMENT OF OBJECTS AND REASONS

Democracy is considered to be the best of all types of governance and voting is an instrument to ensure democracy. "Majority is always right" is the guiding principle of this form of governance. Every democratic system is based on the participation of the citizens, who are the real soul of democracy. They give legitimacy to this system. Therefore, high turnout during elections is desirable. India is the largest democracy in the world. However, it has been observed during general elections in the recent past that the number of actual voters casting votes is far less than the eligible voters. It is a disturbing trend and is an obstacle in establishing sound democratic system in the country. There have been efforts in the past to increase voter turnout and encourage voting at elections but desired results have not been achieved.

It is, therefore, necessary that a duty is cast upon every citizen to exercise his franchise during elections. The Bill seeks to amend the Constitution with a view to make it fundamental duty of every eligible voter to cast vote at elections to the House of the People, Legislative Assemblies of States and local bodies.

Hence this Bill.

NEW DELHI;

K.C. SINGH 'BABA'

June 22, 2009

## BILL NO. 34 OF 2009

*A Bill to provide for printing of cost of production and maximum retail price of consumer goods being sold in the market and for matters connected therewith.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Consumer Goods (Mandatory Printing of Cost of Production and Maximum Retail Price) Act, 2009.

Short title,  
extent and  
application.

(2) It extends to the whole of India.

(3) It shall apply to all persons involved in marketing or manufacturing of goods based on either indigenous or imported materials with intention of offering it for sale in the market.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means the Central Government or a State Government as the case may be;

(b) "consumer goods" means all goods and items brought in the market for sale and are meant for the use and consumption of the consumers;

(c) "cost of production" means cost incurred directly or indirectly by the manufacturer in the production of goods;

(d) "maximum retail price" means such price at which the product shall be sold in retail and such price shall include all taxes levied on the product;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "printing" means printing of the cost of production and retail price at a visible place on the product in Hindi and English and the local language of the place it is sold.

Mandatory printing of cost of production and maximum retail price on packaging of consumer goods.

3. No person shall sell or cause to be sold any consumer goods without the cost of production and maximum retail price of the product printed on such product after the expiry of six months from the date of coming into force of this Act.

Provision of complaint against selling of consumer goods for a price more than maximum retail price, etc.

4. (1) Any person may file a complaint with the appropriate Government in case a consumer goods is sold at more than the maximum retail price printed on the product or is sold without the cost of production of the product printed on it.

(2) The appropriate Government, on receipt of the complaint from any individual or on its own, shall cause an enquiry made into the complaint.

(3) If, after the enquiry made under sub-section (2), it is found that the provisions of the Act have been violated, the license of the organization responsible for manufacturing the consumer goods as also of the organization selling the consumer goods shall be cancelled forthwith and the person-in-charge of the organization shall be punished with simple imprisonment for a term which shall not be less than one year and with fine which shall not be less than rupees one lakh.

Act to be given wide publicity.

5. The provision of this Act shall be given wide publicity by the appropriate Government through such media as it may deem fit.

Act not in derogation of any other law.

6. The provisions of this Act shall be in addition to, and not in derogation of any other law, for the time being in force, relating to matters provided in this Act.

Power to make rules

7. (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

It is generally seen that the prices of consumer goods sold in the markets are determined arbitrarily by the manufacturers. In this process, the manufacturers gain huge profit as the actual manufacturing cost is very low. The consumers' interests are compromised and they are compelled to buy goods at much higher prices in comparison to actual manufacturing cost of goods. Thus, consumers are subjected to economic exploitation.

For example, potato chips, drinking water, soft drinks, automobiles, medicines, etc. are being sold at a price much higher than their cost price. The manufacturers arbitrarily fix the price and the consumers are compelled to purchase goods at higher costs. If it is made mandatory for the manufacturers to print the actual cost of production of goods along with their maximum retail price it will help to curb the greed of the manufacturers. Such a measure will also help the consumers in making a decision regarding buying the product.

It is the duty of the Government to bring a legislation for protecting the interests of consumers. In the wake of economic liberalisation, it has become essential that the consumers are given the right to know the actual manufacturing cost of the goods they are going to purchase.

It is also in the public interest to make commodities and goods available at fair prices to consumers. The interests of consumers can be protected against the vice of profiteering by making the goods and commodities available to them at a reasonable price.

Hence the Bill.

NEW DELHI;  
June 22, 2009

HANSRAJ GANGARAMJI AHIR

## FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that appropriate Government shall give wide publicity to the provisions of this Act.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. The State Governments will also incur expenditure from their respective Consolidated Funds. An annual recurring expenditure of about rupees twenty-five crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be incurred.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

## BILL NO. 53 OF 2009

*A Bill to provide for the constitution of an Agricultural Land Acquisition Regulatory Authority for the purpose of regulation of land acquisition in the country and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title, and  
extent.

1. (1) This Act may be called the Agricultural Land Acquisition Regulatory Authority Act, 2009.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "agricultural land" means such land where any crop has been grown through cultivation at any time during the preceding ten years or any land having any forest cover;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "Authority" means the Agricultural Land Acquisition Regulatory Authority constituted under section 3 of this Act; and

(d) "prescribed" means prescribed by rules made under this Act.



**3. The Central Government shall constitute a regulatory authority for regulation of acquisition of agricultural land to be known as the Agricultural Land Acquisition Regulatory Authority.**

Agricultural  
Land  
Acquisition  
Regulatory  
Authority.

**4. (1) The Authority shall consist of:—**

Composition  
of the  
Authority.

(i) a retired judge of Supreme Court who shall be the Chairperson;

(ii) five members having atleast ten years experience of teaching in agriculture universities and who shall be appointed in such manner as may be prescribed; and

(iii) five other members having special knowledge in the field of agriculture to be appointed in such manner as may be prescribed.

(2) The Chairperson and other members of the Authority shall hold office for a period of five years.

(3) The headquarters of the Authority shall be at Nagpur in the State of Maharashtra.

(4) The Authority shall have its office in every State/Union Territory.

(5) The Central Government shall provide such number of officers and staff to the Authority as are required for its efficient functioning.

**5. The Authority shall perform the following functions:—**

Functions of  
the  
Authority.

(a) collection of data pertaining to agricultural land in all the States;

(b) monitoring all agricultural land acquisition in the country;

(c) issuing prohibition order on acquisition of agricultural land wherever necessary;

(d) issuing no-objection certificate for agricultural land acquisition; and

(e) conducting *suo motu* inquiry into any specific acquisition of agricultural land in such manner as may be prescribed.

**6. (1) after the commencement of this Act, it shall be mandatory for every authority or agency under the Central Government or the State Government or the Union territory administration, as the case may be, to obtain a no-objection certificate from the Authority for acquisition of land in such manner as may be prescribed.**

Land not to  
be acquired  
without no-  
objection  
certificate  
from the  
Authority.

**(2) Before issuing any no-objection certificate under sub-section (1), the Authority shall satisfy itself by verifying relevant documents or visiting the site that the land being acquired by the appropriate Government is not an agricultural land or, if it is an agricultural land, circumstances exist warranting the acquisition of such land.**

**(3) The Authority shall give its decision regarding issue of no-objection certificate not later than three months from the date of receipt of application for no-objection certificate.**

**7. Any person violating the provisions of this Act shall be punished with an imprisonment which may extend to three years and a fine which shall not be less than ten per cent. of the market value of the land acquired.**

Punishment.

**8. The Central Government shall provide adequate funds to the Authority for meeting the expenditure relating to its offices, infrastructure and for implementing the provisions of this Act.**

Central  
Government  
to provide  
adequate funds.

**9. If any difficulty arises in implementing the provisions of this Act, the Central Government shall have power to issue such orders not inconsistent with the provisions of this Act by notification in the Official Gazette as are required to remove such difficulty.**

Power to  
remove  
difficulty.

**10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.**

Power to  
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

As a result of population explosion, the pressure on resources of earth is on a constant increase year after year. At present the size of rural population is more than 70 crore. About two decades ago 18.5 crore hectare of land catered to the requirements of almost 80 crore people. But the present scenario is that 18 crore 29 lakh hectares of land is catering to the needs of nearly 120 crore people. With increase in population and stagnant land availability, the food security may no longer be there. Surveys conducted by the Planning Commission, the National Sample Survey Organisation (NSSO) and other agencies have all confirmed that the size of arable land in the country is shrinking because fertile land is being sacrificed in the name of urbanization and industrialisation. We are already witnessing that more and more farmers are turning landless.

There is no sensitization on the part of either planners or the Government towards the fact that fertile land is a finite resource and needs to be conserved. That is why, the per capita land availability which was 0.27 hectare in 1980 has come down to less than 0.20 hectare now. What is truly surprising is the fact that most of the new urbanization or industrialisation is happening on land that is cultivable whereas the barren land which is about 7.7 crore hectare remains untouched. It would have been more practical and less damaging if this land was used for urbanization and industrialisation. But the Governments keep on acquiring cultivable land for non-agricultural purposes. The problem is compounded when it is realized that about 19 lakh acres of land is under litigation and 20 lakh acres of land is to be distributed under the Land Reforms Acts.

On the one hand per capita land availability is declining, on the other hand almost 32 per cent population of the country is landless. The concept of Special Economic Zones (SEZ) is likely to make lakhs of farmers landless. As per an estimate, 3 lakh hectares of land is to be acquired for SEZs. Most of this land is likely to be acquired from the farmers. The acquisition of agricultural land is already causing dissatisfaction amongst farmers and at many places the protests have turned violent. The decline in agricultural land may give rise to a number of problems such as the question of food security, increase in import of foodgrains and resultant dependence on other countries for our foodgrain requirements. Therefore, it is wrong to acquire agricultural land for non-agricultural purposes.

It is felt that legislation is needed to monitor and regulate the process of land acquisition in the country. Therefore, a Bill is proposed to set up an Agricultural land Acquisition Regulatory Authority with a view to put a stop to acquisition of agricultural land for other purposes unless it is absolutely essential.

Hence this Bill.

NEW DELHI;  
June 29, 2009

HANSRAJ GANGARAMJI AHIR

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### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a Land Acquisition Regulatory Authority. Clause 4 provides for composition of the Authority. Clause 5 provides that the Authority shall perform a number of functions including collection of data on agricultural land. Clause 6 provides that the Authority shall issue no-objection certificate before any acquisition of land is made. Clause 8 provides that the Central Government shall provide adequate funds to the Authority for implementing the provisions of this Act.

The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one hundred crore would be involved.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The rules will relate to matters of detail only. Therefore, the delegation of legislative power is of a normal character.

## BILL NO. 55 OF 2009

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2009.

Short title.

2. After article 21A of the Constitution, the following article shall be inserted,—

Insertion of new article 21B

**“21B. (1) Every citizen shall have the right to shelter in such manner as Parliament may, by law, determine.**

Right to shelter.

(2) Nothing in clause (1) shall prevent the State from making any provision for fixing criteria for allotment of houses to the citizens.

(3) Nothing in this article shall prevent the State from making any special housing schemes for senior citizens, physically challenged persons, persons belonging to scheduled castes, scheduled tribes, other backward classes, divorced women and other weaker sections of the society.

*Explanation :* For the purpose of this article, “shelter” means a dwelling unit with all basic civic amenities.”.

## STATEMENT OF OBJECTS AND REASONS

Even after six decades of independence, crores of citizens are still homeless. They have to suffer the elements in all its fury—be it winter, summer or rainy season. The problem of homelessness is increasing *day-by-day* both in rural and urban areas. Population explosion and other social and economic factors are the major reasons for housing shortage in the country. Due to acute shortage of houses in the country, lakhs of poor people are forced to live on the pavements, footpaths, bus shelters, under flyovers and bridges, as they cannot afford houses of their own. Crores of people are living in *Jhuggi* and *Jhopris*, kutcha and semi-pucca houses which lack basic facilities like sanitation, electricity, clean water, etc. Shelter is one of the basic human needs. It is necessary that the Government should come forward to ensure adequate housing for homeless citizens not only because it is their right, but, because it is an investment that would guarantee a healthy and satisfied citizens.

The Supreme Court has recognized the right to housing by bringing it within the ambit of right to life. At the same time, housing right has been recognized and reaffirmed in all international and regional covenants, which have been ratified by our country. Hence, the Central and the State Governments are under legal obligation to provide adequate housing to the millions of people who are living in absolute homelessness. Therefore, it has become more necessary to incorporate right to housing as a fundamental right in the constitution.

The Bill seeks to achieve the above objective.

NEW DELHI:  
June 29, 2009

L. RAJAGOPAL

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for incorporation of right to shelter in the Fundamental Rights of the citizens. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give an exact amount of expenditure to be involved. However, it is estimated that an annual recurring expenditure of about rupees ten thousand crore is likely to be involved.

A non-recurring expenditure of about rupees two thousand crore is also likely to be involved.

## BILL NO. 45 OF 2009

*A Bill to provide for the establishment of a permanent Bench of the High Court of Andhra Pradesh at Vijayawada.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. This Act may be called the High Court of Andhra Pradesh (Establishment of a Permanent Bench at Vijayawada) Act, 2009.

Short title.

2. There shall be established a permanent Bench of the High Court of Andhra Pradesh at Vijayawada and such Judges of the High Court of Andhra Pradesh, being not less than four in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Vijayawada in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Krishna, Prakasam and Guntur.

Establishment of a permanent Bench of the High Court of Andhra Pradesh at Vijayawada.

## STATEMENT OF OBJECTS AND REASONS

Before the reorganization of the State of Andhra Pradesh, between 1953 and 1956, the Andhra High Court used to function from Guntur. After the formation of the State of Andhra Pradesh in 1956, the Andhra High Court was merged with the Andhra Pradesh High Court and it was shifted to Hyderabad.

Andhra Pradesh is a very large State. The capital of Andhra Pradesh, Hyderabad, which is also the seat of the High Court of Andhra Pradesh, is far away from the coastal regions of Andhra Pradesh. Therefore, the people of the coastal regions of Andhra Pradesh face difficulties and inconvenience in pursuing litigation in the High Court of Andhra Pradesh. They have to travel all the way to Hyderabad for the purpose. This results in denial of speedy justice. The establishment of a bench of High Court of Andhra Pradesh at Vijayawada will help mitigate the problems of the people of the coastal regions of Andhra Pradesh. Vijayawada is centrally located in the coastal region of Andhra Pradesh and people living in coastal parts can conveniently reach there to pursue their cases.

The city of Vijayawada has good infrastructure and is located in the vicinity of many big cities like Guntur, Eluru, etc. Therefore, the establishment of a permanent bench of High Court of Andhra Pradesh at Vijayawada shall fulfil the needs of the people of the area.

This will also help in satisfying the long pending demand of the people of the coastal regions of Andhra Pradesh.

Hence this Bill.

NEW DELHI;  
June 29, 2009

L. RAJAGOPAL



## BILL NO. 54 OF 2009

*A Bill to provide for disentitlement of daily allowance to members for the day on which the proceedings of a House of Parliament of which they are members are adjourned due to disruption caused by a member or a group of members and termination of membership of a member or a group of members who disrupt the proceedings of the House and for matters connected therewith.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. This Act may be called the Disruption of Proceedings of Parliament (Disentitlement of Daily Allowance to Members and Termination of Membership) Act, 2009. Short title.

2. (1) In this Act, unless the context otherwise requires:— Definitions.

(i) "House" means the Council of States or the House of the People, as the case may be; and

(ii) "Presiding Officer" means the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

(2) Words and expressions used but not defined in this Act and defined in the Salary, Allowances and Pension of Members of Parliament Act, 1954 shall have the same meaning as assigned to them in that Act.

Disentitlement  
as to daily  
allowance.

3. (1) Notwithstanding anything contained in the Salary, Allowances and Pension of Members of Parliament Act, 1954, no member shall be entitled to receive daily allowance for a day if proceedings of the House are disrupted by any member or a group of members, as the case may be, leading to its adjournment for a substantial part on that day.

30 of 1954

(2) Where a House is adjourned for substantial part of the day under sub-section (1), the Presiding Officer shall, on the last working day of the week following that day, inform the House of the date on which the House was so adjourned.

Identification  
and termina-  
tion of  
membership.

4. (1) The Presiding Officer of a House may, if he deems it necessary, identify a member or a group of members, who, individually or collectively, disregard the authority of the Chair, or abuse the rules of the House by persistently and wilfully obstructing the proceedings of the House on second occasion in the same session and issue a warning to such member or a group of members.

(2) If a member or a group of members so identified under sub-section (1), obstruct the proceedings of the House on third occasion during the same session, the House may resolve to terminate the membership of such member or a group of members, as the case may be, on a motion being moved in this behalf.

(3) The membership of a member or a group of members referred to in the motion shall stand terminated from the day of adoption of the motion by the House.

## STATEMENT OF OBJECTS AND REASONS

India is the largest democracy in the world and Members of Parliament, being part of this system, have to play a pivotal role in enhancing the prestige of this institution by participating in the proceedings in a disciplined and dignified manner. However, of late, it is being observed that the proceedings of both the Houses of Parliament are disrupted due to pandemonium and the Houses have to be adjourned for substantial part of the day without transacting any business. This not only results in loss of precious time of Parliament and public money but also dents the image of Parliament. Parliamentary democracy is based on the principle that the Executive is accountable to the legislature and that one of the foremost duties of Members of Parliament is to exercise vigilant control over the actions of the Executive through various Parliamentary devices. If the proceedings of either House are disrupted and Parliament is not permitted to function and transact the listed business on account of pandemonium, the legislative scrutiny over the Executive is diluted since debates on issues of public importance are withheld.

In view of this and in order to provide disincentive for disruptions in the Parliament, it is proposed that no member shall be entitled to receive daily allowance for a day if proceedings of the House are disrupted by a member or a group of members leading to its adjournment for a substantial part of the day. Whenever a House is adjourned for substantial part of the day due to pandemonium created by members, the Presiding Officer shall inform the House of the date on which the House was so adjourned. It is also proposed that if any member or a group of members is identified, disrupting the proceedings of the House, on three occasions in the same session, by the Presiding Officer, the membership of such member or a group of members may be terminated on a motion moved and adopted to that effect in the House.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
June 30, 2009

L. RAJAGOPAL

## BILL NO. 49 OF 2009

*A Bill further to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Castes) (Union Territories) Order, 1951, and to amend the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, the Constitution (Puducherry) Scheduled Castes Order, 1964, and the Constitution (Sikkim) Scheduled Castes Order, 1978.*

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Castes) Orders (Amendment) Act, 2009.

Amendment  
of the  
Constitution  
(Scheduled  
Castes) Order,  
1950.

2. In paragraph 3 of the Constitution (Scheduled Castes) Order, 1950, for the words “or the Buddhist”, the words “the Buddhist or the Christian” shall be substituted. C.O. 19

- C.O. 32      3. In paragraph 3 of the Constitution (Scheduled Castes) (Union Territories) Order, 1951, for the words "or the Buddhist", the words "the Buddhist or the Christian" shall be substituted.      Amendment of the Constitution (Scheduled Castes) (Union Territories) Order, 1951.
- C.O. 52      4. In the proviso to paragraph 2 of the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, for the words "or the Buddhist", the words "the Buddhist or the Christian" shall be substituted.      Amendment of the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.
- C.O. 64      5. In the proviso to paragraph 2 of the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, for the words "or the Buddhist", the words "the Buddhist or the Christian" shall be substituted.      Amendment of the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962.
- C.O. 68      6. In the proviso to paragraph 2 of the Constitution (Puducherry) Scheduled Castes Order, 1964, for the words "or the Buddhist", the words "the Buddhist or the Christian" shall be substituted.      Amendment of the Constitution (Puducherry) Scheduled Castes Order, 1964.
- C.O. 110      7. In the proviso to paragraph 2 of the Constitution (Sikkim) Scheduled Castes Order, 1978, for the words "or the Buddhist", the words "the Buddhist or the Christian" shall be substituted.      Amendment of the Constitution (Sikkim) Scheduled Castes Order, 1978.

## STATEMENT OF OBJECTS AND REASONS

India is a secular and democratic republic. The Constitution prohibits the discrimination on the basis of religion, caste, place of birth, etc. of the citizens. Simultaneously, it provides that the State shall make special provisions for the advancement of socially and educationally backward citizens of the country. In spite of so many enabling provisions in the Constitution to support the weaker sections of the society, the successive Governments have shown no interest to confer the status of Scheduled Castes and extend the benefits of reservations to the persons who originally belonged to the Scheduled Castes and have since converted to Christianity. These persons are also known as Dalit Christians.

The social status of Dalit Christians has not improved much after their conversion from Hindu religion to a new faith. They are still living in pathetic conditions. After conversion to a new faith these people lost the status of Scheduled Castes in the eyes of the law and were deprived of the benefit of reservation provided in jobs, etc. under the State. Moreover, the social and educational status of Dalit Christians is not different from that of persons belonging to the Scheduled Castes in other religions. They have not been included in the list of Scheduled Castes for the reason that these persons profess a religion different from the Hindu, the Sikh or the Buddhist religion. It is, therefore, necessary to amend the various Constitution (Scheduled Caste) Orders in order to extend the benefits of reservation to the persons who originally belong to the scheduled caste and profess Christian religion.

The Bill seeks to achieve the above objectives.

L. RAJAGOPAL

NEW DELHI;  
June 29, 2009

## FINANCIAL MEMORANDUM

Clauses 2 to 7 of the Bill seek to include persons professing Christian religion into the list of Scheduled Castes based on their social, educational and economic backwardness. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India on account of benefits to be provided to the persons belonging to the proposed new community under continuing schemes meant for development of Scheduled Castes. It is estimated that an annual recurring expenditure of about rupees one hundred crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be incurred.

P.D.T. ACHARY,  
*Secretary-General*